

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NUNZIO CALCE; ALLEN CHAN; SHAYA
GREENFIELD; AMANDA KENNEDY;
RAYMOND PEZZOLI; SECOND AMENDMENT
FOUNDATION; and FIREARMS POLICY
COALITION, INC.,

No. 21-cv-8208 (ER)

Plaintiffs,

-against-

CITY OF NEW YORK; and EDWARD A.
CABAN, in his official capacity as Commissioner
of the New York City Police Department,

Defendants.

NOTICE OF CONSTITUTIONAL QUESTION


To: Office of the Attorney General
Division of Appeals & Opinions
28 Liberty Street
New York, New York 10005

PLEASE TAKE NOTICE, pursuant to Rule 5.1(a)(1) of the Federal Rules of Civil Procedure, that Plaintiffs have filed an Amended Complaint and a motion for summary judgment that draw into question the constitutionality of the prohibition on “electronic stun guns” and “electronic dart guns” set forth in § 265.01(1) of the Penal Law under the Second and Fourteenth Amendments to the United States Constitution.

PLEASE TAKE FURTHER NOTICE, pursuant to Rule 5.1(a)(2) of the Federal Rules of Civil Procedure, that copies of both said papers are appended hereto.

Dated: Beacon, New York
May 2, 2024

DAVID JENSEN PLLC


By: 
David D. Jensen, Esq.
David Jensen PLLC
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on May 2, 2024 he sent a copy of the foregoing Notice of Constitutional Question, and the appended Amended Complaint and Plaintiffs' moving papers in support of summary judgment, to the Office of the New York State Attorney General by depositing a true copy of the aforesaid documents in a postpaid properly addressed envelope at a post office or official depository under the exclusive care and custody of the United States Postal Service for delivery by certified mail to the following address:

Office of the Attorney General
Division of Appeals & Opinions
28 Liberty Street
New York, New York 10005

same being the address provide by the Office of the Attorney General for delivery of notices of constitutional questions.


David D. Jensen, Esq.